



DPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: LP-2014

Applicant : HANSELMANN et al.

Serial No. : 10/577,070

Art Unit: 1621

Filed : April 24, 2006

Examiner: Jennifer Y. Cho

Title : METHOD FOR THE PRODUCTION OF 6,6,6-TRIALO-3,5-DIOXOHXANOIC ACID ESTERS

**SUBMISSION OF TERMINAL DISCLAIMER
TO OBVIATE DOUBLE PATENTING REJECTION
OVER A PENDING APPLICATION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants attach herewith an executed Terminal Disclaimer for the above-identified patent application. Also enclose a check in the amount of \$130.00 for the Terminal Disclaimer filing fee.

If there are any overpayments or underpayments associated with the filing of this paper, the Commissioner for Patents is authorized to credit such overpayments and withdraw such underpayments to Deposit Account No. 06-1110.

Respectfully submitted,

July 26, 2007
Date

Virgil H. Marsh
Virgil H. Marsh
Reg. No. 23,083

Fisher, Christen & Sabol
1725 K St. NW
Suite 1108
Washington, DC 20006
Tel.: 202-659-2000
Fax: 202-659-2015

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 26, 2007.

Virgil H. Marsh

FISHER, CHRISTEN & SABOL
1725 Street, N.W., Suite 1108
Washington, D.C. 20006



PTO/SB/25 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

LP-2014

In re Application of: **Paul HANSELMANN et al.**Application No.: **10/577,070**Filed: **April 24, 2006**For: **METHOD FOR THE PRODUCTION OF 6,6,6-TRIALO-3,5-DIOXOHEXANOIC ACID ESTERS**

The owner*, LONZA S.p.A. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/416,212, filed on May 3, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 23,083

Virgil H. Marsh
Signature

July 26, 2007
Date

Virgil H. Marsh
Typed or printed name

202-659-2000
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

07/31/2007 MGBREH1 00000034 10577070

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) 114
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

130.00 09

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.